Introduction

Vietnam's law has some strengths but also some notable weaknesses, resulting in a middling score. Its strongest categories are its comprehensive promotional measures and somewhat broad scope, though variable in application to the executive branch. However, the RTI law's unclear and flawed exceptions regime is a great weakness of the legislation. Many of the exemptions are problematic and while there is something of a public interest override, it is unclear how it functions or whether it could override an exception. Another substantial weakness of the RTI law is that it has an almost non-existent external appeal system. The only available option is an external appeal to the judiciary, which is costly in most cases.

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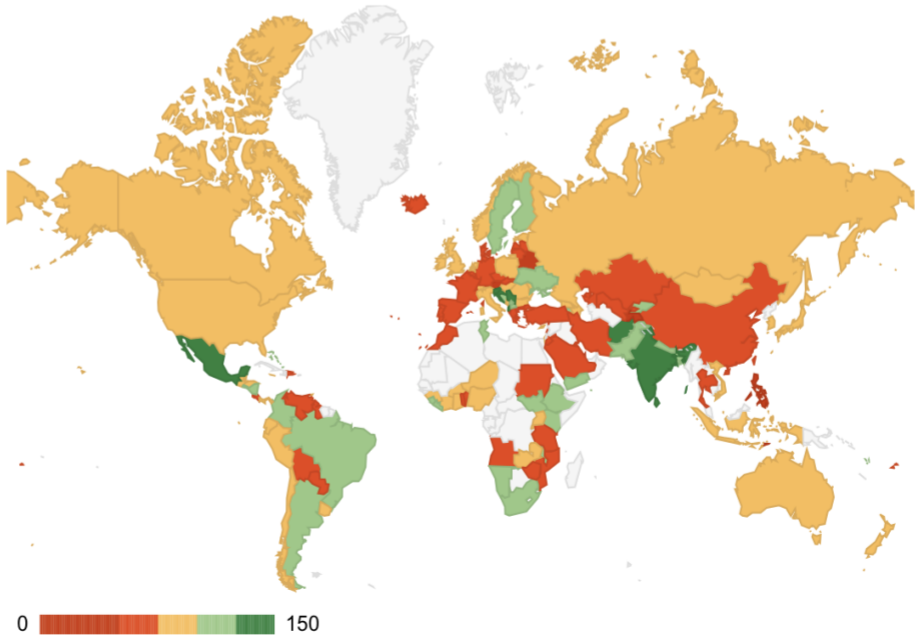
Section	Points	Max score
Right of Access	3	6
Scope	17	30
Requesting Procedures	16	30
Exceptions & Refusal	14	30
Appeals	9	30
Sanctions & Protections	6	8
Promotional Measures	11	16
	∑ = 76	∑ = 150



Country scoring detail by section

I	Description	Scoring instructions	Max score	Points	Article	Comments
1	The legal framework (including jurisprudence) recognises a fundamental right of access to information.	Score 0 for no constitutional right to information, 1 point for a limited constitutional right, 2 points for full constitutional recognition of a public right of access to information.	2	1	Article 25: (of Constitution): The citizen shall enjoy the right to freedom of opinion and speech, freedom of the press, to access to information, to assemble, form associations and hold demonstrations. The practice of these rights shall be provided by the law.	Not very clear in scope and nature: right "to access to information".
2	The legal framework creates a specific presumption in favour of access to all information held by public authorities, subject only to limited exceptions.	No=0, Partially=1, Yes=2	2	2	Article 1: This Law provides for the right to access to information of citizens; principles, orders, procedures of the enforcement of the right to access to information; obligations and responsibilities of state agencies in ensuring the right to access to information of citizens.; Article 3(1): All citizens are equal and are not discriminated during the exercise of the right to access to information.; Article 3(3): Information must be provided for citizens in timely, transparent and convenient methods, in compliance with orders and procedures regulated by the laws. Article 5: Citizens shall have the right to access to information held by state agencies, except for inaccessible information as regulated in Article 6 of this Law; or information accessible for citizens upon condition as regulated in Article 7 of this Law.	
3	The legal framework contains a specific statement of principles calling for a broad interpretation of the RTI law. The legal framework emphasises the benefits of the right to information.	One point for each characteristic.	2	0	N/A	
4	Everyone (including non-citizens and legal entities) has the right to file requests for information.	Score 0 point if only residents/citizens; 1 point for all natural persons; 1 point for legal persons.	2	0	Article 4(1): Citizens shall exercise the right to access to information as prescribed by this Law.; Article 36(1): Foreigners legally residing in Vietnam shall have the right to request for information directly related to their rights and obligations.	Basically just citizens although 36 gives foreign residents the right to informaiton relating to their rights and obligations.
5	The right of access applies to all material held by or on behalf of public authorities which is recorded in any format, regardless of who	Score 1-3 points if limited definition of information information such as	4	1	Article 2(1): Information means news, data created by state agencies, contained in documents, dossiers, materials in forms of hand-writing copies, printed copies, electronic copies, paintings,	Only if "created" by public bodies "during the performance of their regulated

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	produced it.	not "internal documents" or databases excluded, 4 points for all information with no exceptions.			pictures, drawings, tapes, disks, videos, recordings or other forms.; Article 2(2): Information created by state agencies means news, data that are created by state agencies during the performance of their regulated functions, tasks and authority; and are signed, stamped or confirmed in written by the authorized person. Reg. 14(2): The access to information created before July 1, 2018, must continue to comply with the regulations on access to information enacted before the effective date of the Law on Access to Information and Article 3 of that Law.	functions: and "confirmed in writing by the authorised person"; according to the Reg., only seems to apply prospectively
6	Requesters have a right to access both information and records/ documents (i.e. a right both to ask for information and to apply for specific documents).	Score 1 point for only documents, 1 point for information.	2	1	Article 1: This Law provides for the right to access to information of citizens; principles, orders, procedures of the enforcement of the right to access to information; obligations and responsibilities of state agencies in ensuring the right to access to information of citizens.	
7	The right of access applies to the executive branch with no bodies or classes of information excluded.This includes executive (cabinet) and administration including all ministries, departments, local government, public schools, public health care bodies, the police, the armed forces, security services, and bodies owned or controlled by the above.	Score 4 points for central government agencies covered: 1 for the head of state, 1 for ministries, 1 for other non-statutory agencies created by the ministries, 1 for state and local government if the government is unitary. If it´s a federalist system, 2 points for the non-statutory agencies. This can be determined by examining the length and thoroughness of the list, if such a schedule exists. Score 1 point for the archives. Add three points and deduct 1 for each exempted central agency (such as the armed forces, police, etc).	8	6	Article 9. The scope and responsibility to provide information 1. State agencies creating information shall be responsible for information provision, except for the cases regulated in Article 6 of this Law; for the cases regulated in Article 7 of this Law, information shall be provided when all conditions in accordance with the provisions of the law are met. Commune People's Committee shall be responsible for providing information it has created or received to perform its functions, tasks and power, except for the cases regulated in Article 6 of this Law; for the cases regulated in Article 7 of this Law, information shall be provided when all conditions in accordance with the provisions of the law are met. 2. State agencies directly organize the provision of information, except for the following cases: a) The Office of the National Assembly shall provide information created by the National Assembly and its bodies, Standing Committee of National Assembly's bodies, National Election Council or the Office of the National Assembly and information created by itself; b) The Office of the State President shall provide information created by the State President and information created by itself; c) The Office of the Government shall provide information created by the Government, the Prime Minister and information created by itself; d) Offices of the National Assembly Delegations shall provide	There is no proper defiintion of public bodies. Instead, there is a list of which bodies are responsible for providing information on behalf of other bodies, so a sort of indirect way. Very difficult to assess exactly which executive bodies are covered because it just says State agencies are responsible for themselves. The President is included. Archives not mentioned. Not clear how far it extends to bodies created by ministries.

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					information created by the National Assembly Delegations and information created by themselves; đ) Offices of People's Councils of provinces and cities directly under the central management (hereinafter referred to as provincial level) shall provide information created by the People's Councils, the Standing People's Councils, departments of People's Council or Offices of People's Councils and information created by themselves; e) Offices of People's Committees of provinces and cities directly under the central management shall provide information created by People's Committees, the Chairman of People's Committees and information created by themselves; g) Offices of People's Councils and People's Committees of districts, towns, provincial cities shall provide information created by People's Councils, the Standing People's Councils, People's Committees, departments of People's Council, People's Committees, the Chairman of People's Committees and information created by themselves; h) Commune People's Committees shall have the responsibility to provide citizens residing in localities with information created by themselves or by other agencies at the same level, or received by themselves to perform their functions, tasks and power; provided other citizens with such information in case the information directly relates to their rights and legitimate interests; i) Minister of Ministry of Defense, Minister of Ministry of Public Security appoint the focal point for provision of information in their organizations.	
8	The right of access applies to the legislature, including both administrative and other information, with no bodies excluded.	Score 1 point if the law only applies to administrative documents, 2-3 points if some bodies excluded, 4 points if all legislative branch at all levels of government	4	4	See Article 9	Seems to be covered quite comprehensively.
9	The right of access applies to the judicial branch, including both administrative and other information, with no bodies excluded.	Score 1 point if the law only applies to administrative documents, 2-3 points if some bodies	4	4	See Article 9	These are included in the notion of State agencies.

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		excluded, 4 points if all judicial branch at all levels of government				
10	The right of access applies to State-owned enterprises (commercial entities that are owned or controlled by the State).	Score 1 point if some, 2 points if all	2	0	See Article 9	Not mentioned
11	The right of access applies to other public authorities, including constitutional, statutory and oversight bodies (such as an election commission or information commission/er).	Score 1 point if some bodies, 2 points if all	2	1	See Article 9	Seems to cover at least some of these.
12	The right of access applies to a) private bodies that perform a public function and b) private bodies that receive significant public funding.	1 point for public functions, 1 point for public funding	2	0	See Article 9	Not mentioned
13	Requesters are not required to provide reasons for their requests.	Y/N answer 0 or 2 points	2	0	Article 24(2)(d): The Request Form shall be written in Vietnamese and include main content as follows: (d) Reasons for requesting for information and purposes of using information. Reg. 4(2): A list of information requesters must fully have the following contents: full names, serial numbers of people's identity cards or citizens' identity cards or passports, and reasons and purposes of requesters.	
14	Requesters are only required to provide the details necessary for identifying and delivering the information (i.e. some form of address for delivery).	Score Max 2 points and deduct if requesters are required to give any of the following: ID number, telephone number, residential address, etc.	2	0	Article 24(2): The Request Form shall be written in Vietnamese and include main content as follows: (a) Names, addresses, identification numbers or passport numbers of the information requesters; fax numbers, telephone numbers, emails (if any); (b) Requested information, with name of the documents, records, files being specified; Reg. 4(2): A list of information requesters must fully have the following contents: full names, serial numbers of people's identity cards or citizens' identity cards or passports, and reasons and purposes of requesters.	Need to provide address and ID or passport number
15	There are clear and relatively simple procedures for making requests. Requests may be submitted by any means of communication, with no requirement to use official forms or to state that the information is	Max 2 points. Considerations include that there is no requirement to state that the request is under the RTI law, nor to use an official	2	1	Article 24(1): The information requester shall make request in the following forms: (a) Come in person or authorize other person to go to the offices of the state agencies to make request. (b) Submit written requests to the head offices of the agencies providing information via postal services, internet, and faxes; (2) The Request Form shall be written in	Variety of ways of submitted but must be in writing on the form

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	being requested under the access to information law.	form, nor to identify the document being sought.			Vietnamese; Reg. 11(1) Information-providing agencies shall develop special sections on access to information of their portals or websites to publish … addresses for receiving requests for information provision via the computer network … forms of slips for use in the information provision; instructions and documents to assist information requesters	
16	Public officials are required to provide assistance to help requesters formulate their requests, or to contact and assist requesters where requests that have been made are vague, unduly broad or otherwise need clarification.	Score 1 point for help in formulation and 1 point for clarification procedures	2	2	Article 24(1): The information requester shall make request in the following forms: (a) Come in person or authorize other person to go to the offices of the state agencies to make request. The person in charge of receiving request shall be responsible for instructing the information requester to fill out information in the Request Form as prescribed in clause 2 of this Article. Article 26(2): In case the contents specified in Item 2 of Article 24 of this Law in Request Form is inadequate and unclear, the agency receiving request shall be responsible for instructing the requester to supplement information. Reg. 2(3): Information-providing agencies shall ensure that forms of provision of information at request are suitable to the ability of information requesters to access information and their own practical conditions; assign their cadres and civil servants to provide guidance and explanations to information requesters; provide more information and create favorable conditions for citizens to access information in graphics, images, video clips or by other audio-visual media. Reg. 8(3): to guide and assist information requesters in clearly identifying documents, dossiers and materials and titles of documents containing information which they need so that they can fully and accurately fill in written requests for information.	
17	Public officials are required to provide assistance to requesters who require it because of special needs, for example because they are illiterate or disabled.	Score Yes=2 point, No=0	2	2	Article 3(6): The Government shall create favorable conditions for persons with disability, people living in mountainous areas, islands, areas with exceptional socio-economic difficulties to exercise the right to access to information; Article 24(1): The information requester shall make request in the following forms: (a) Come in person or authorize other person to go to the offices of the state agencies to make request. If the requester is illiterate or disabled and cannot write, the person in charge of receiving request shall fill out the Request Form. Reg. 3(4): Information-providing agencies shall assign their	

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					cadres and civil servants to provide guidance, explanations and assistance to persons with disabilities who find it difficult to fill in and sign written requests for provision of information or have difficulties accessing information. Reg. 8(6): To assign their cadres and civil servants to provide guidance, explanations and assistance to illiterate persons, persons with disabilities and persons who have other problems filling in and signing written requests for information; to assist information requesters who cannot write filling in written requests for information.	
18	Requesters are provided with a receipt or acknowledgement upon lodging a request within a reasonable timeframe, which should not exceed 5 working days.	Score 1 point for receipt, 1 point for max 5 working days	2	1	Article 27: Upon receiving valid request for information, the state agency responsible for providing information shall notify the requester about duration, location and forms of information provision, the actual cost for printing, copying, capturing, and sending information through postal services, faxes (if any) and methods of payment; execute information provision in the orders and procedures prescribed in this Chapter. Reg. 5(1): Forms of written requests for use in the provision of information at request as provided in the Appendix to this Decree include: ... b/ Form of slip of receipt of information request: Form No. 02;	Not quite an obligation to provide a receipt but have a form for this.
19	Clear and appropriate procedures are in place for situations where the authority to which a request is directed does not have the requested information. This includes an obligation to inform the requester that the information is not held and to refer the requester to another institution or to transfer the request where the public authority knows where the information is held.	Score: 1 point for information not held, 1 for referrals or 2 for transfers	2	1	Article 26(3): The state agency receiving request shall be responsible for announcing and guiding the requester to go to the competent agency if they themselves are not responsible for providing the requested information.	Referral system
20	Public authorities are required to comply with requesters' preferences regarding how they access information, subject only to clear and limited overrides (e.g. to protect a record).	Score: 2 points for Yes, only 1 point if some limitations	2	2	Article 2(3): Access to information means reading, watching, listening, recording, copying, taking photos of, information; Article 24(2)(c):The Request Form shall be written in Vietnamese and include main content as follows: (c) Form of providing information; Article 25: (1) Requested information shall be provided in one of the following forms: (a) Directly at head offices of the agencies; (b) Via websites, postal services, faxes. (2) The state	Strong on practical support for formats.

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					agencies receiving request shall be responsible for providing information in forms that are as requested and suitable with nature of the requested information and the agencies' capacity, unless otherwise regulated by the other laws. Reg. 3(3): Information-providing agencies shall ensure that forms of provision of information are suitable to the ability of information requesters to access information and their own practical conditions; provide audio-visual equipment and auxiliary devices suitable to types and levels of disability of information requesters and their own practical conditions; and create conditions for information requesters to use such audio-visual equipment, auxiliary devices and other personal technical means to access information at their request. Reg. 9(1): Heads of information-providing agencies and heads of units assigned to take charge of information provision shall arrange places for receiving and settling information requests and provide technical means, equipment and other necessary physical foundations to serve the information provision. (2): Heads of information-providing agencies shall: a/ Arrange places for reading, listening to, watching, recording, duplicating or copying information in order to provide information directly at head offices of their agencies; b/ Install at head offices of their agencies equipment suitable to the form of information provision, thus facilitating citizens' access to information; c/ Take measures to intensify the information provision and facilitate citizens' access to information in graphics, images, video clips and other audio-visual media; d/ Allow information requesters to use cell phones and other personal technical devices to duplicate or copy documents, dossiers and materials.	
21	Public authorities are required to respond to requests as soon as possible.	Score: No=0, Yes=2 points	2	1	Article 30: (3) For simple, available information which can be provided immediately, the requested state agency shall, within 03 (three) working days from the date of receipt of valid request, provide information; See also Articles 29 and 31	Not quite as soon as possible: within 3 days
22	There are clear and reasonable maximum timelines (20 working days or less) for responding to requests, regardless of the manner	Score: 1 point for timeframes of 20 working days (or 1 month, 30 days or 4	2	1	Article 30: (3) For simple, available information which can be provided immediately, the requested state agency shall, within 03 (three) working days from the date of receipt of valid request, provide	15 working days

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	of satisfying the request (including through publication).	weeks). Score 2 points for 10 working days (or 15 days, or two weeks) or less.			information; (4) For complex, unavailable information which should be gathered from other departments of that agency or the information that needs to be reviewed by other agencies, organizations, units, the requested agency shall, within 03 (three) working days from the date of receipt of a valid request, notify in written form of the time limit for handling the request. Within 15 working days from the date of receipt of a valid request, the requested agency shall provide the requester with information or written refusal of information provision. See also Articles 29 and 31.	
23	There are clear limits on timeline extensions (20 working days or less), including a requirement that requesters be notified and provided with the reasons for the extension.	-		2	2	Article 30(4): If the requested agency need more time to review, search, collect, copy, resolve the request of information provision, the time limit may be extended for a maximum of 15 working days. The requested agency shall inform the requester of the extension of the deadline for providing information in written forms. See also Articles 29 and 31. Reg. 5(1): Forms of written requests for use in the provision of information at request as provided in the Appendix to this Decree include: … d/ Form of notice on extension of the time limit for requesting the, provision of information: Form No. 04.
24	It is free to file requests.	Score: No=0, Yes=2 points		2	2	Article 12(1): Citizen is provided with information at no charge or fee, unless otherwise regulated by other laws.
25	There are clear rules relating to access fees, which are set centrally, rather than being determined by individual public authorities. These include a requirement that fees be limited to the cost of reproducing and sending the information (so that inspection of documents and electronic copies are free) and that a certain initial number of pages (at least 20) are provided for free.	Score 1 point for fees being limited to reproduction and delivery costs and set centrally, 1 point for at least 20 pages free of charge or for fees being optional		2	1	Article 12(2): Information requester shall pay the actual cost for printing, copying, capturing, and sending information. The Minister of Ministry of Finance shall provide detailed regulations on this Item. Reg. 13(2): Expenses for access to information shall be paid by information requesters before the information provision and remitted into the state budget. No free pages.
26	There are fee waivers for impecunious requesters.	-		2	0	Not mentioned.
27	There are no limitations on or charges for reuse of information received from public bodies, except where a third party (which is not a	Score: No=0, Yes=2 points		2	0	Article 8(2): Citizens shall have obligations as follows:(b) Not distorting provided information;(c) Not infringing upon the rights and legitimate interests of agencies, organizations and individuals No guarantees and number of general restrictions on reuse.

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	public authority) holds a legally-protected copyright over the information.				while exercising the right to access to information. Article 11: (2) Providing or using information against the Socialist Republic of Vietnam; undermining the unity policy; inciting violence; (3) Providing, using information to infringe upon the dignity, honor, prestige, causing gender discrimination and/or damage to the property of individuals, agencies and organizations. Article 15(3): Information requester using the provided information to adversely affect the legitimate rights and interests of agencies, organizations and other persons shall be held liable as prescribed by law.	
28	The standards in the RTI Law trump restrictions on information disclosure (secrecy provisions) in other legislation to the extent of any conflict.	Score 4 points for a resounding "yes" and 1/2/3 points if only for some classes of information or for some exceptions. If the state secrets law is not trumped by the RTI law max score is 2 points.	4	1	Article 3(4): The right to access to information shall be restricted in compliance with the laws and if it is deemed necessary to protect the national defense, national security, social order and safety, social ethics, and public health. Article 6(1): Information classified as state secrecy, including important information in politics, national defense, national security, foreign affair, economics, sciences, technology and other fields as regulated by law. Article 16: If the provisions on access to information of other laws do not contrast to Article 3 of this Law, the provisions of those laws shall apply. Reg 7(1): Units in charge of information creation of information-providing agencies shall review, check and identify information in documents, dossiers and materials as those inaccessible to citizens or accessible to citizens under certain conditions under Articles 6 and 7 of the Law on Access to Information before transferring them to units in charge of information provision.	Other laws do apply and even through a classification process but there are at least some limited restrictions on them.
29	The exceptions to the right of access are consistent with international standards. Permissible exceptions are: national security; international relations; public health and safety; the prevention, investigation and prosecution of legal wrongs; privacy; legitimate commercial and other economic interests; management of the economy; fair administration of justice and legal advice privilege; conservation of the environment; and legitimate	Score 10 points and then deduct 1 point for each exception which either (a) falls outside of this list and/or (b) is more broadly framed	10	6	Article 6(2): Information which, if published, can cause harm to state interests, cause bad effect to national defense, national security, international relationship, social order and safety, social ethics, social health; likely to cause serious damage to lives, life and property of individuals; information classified as work secrecy, information about internal meetings of state agencies, documents created by state agencies for internal works. Article 7(1): Information related to business confidentiality shall only be accessible upon consent of the business owner. (2) Information related to privacy, individuals' secret shall only be accessible upon consent of such person, information with regard to	Problematical ones: social ethics; information classified as work secrecy; information about internal meetings of state agencies; documents created by state agencies for internal works

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	policy making and other operations of public authorities.				family's secret shall only be accessible upon consent of each member of the family. See also Articles 3(5).	
30	A harm test applies to all exceptions, so that it is only where disclosure poses a risk of actual harm to a protected interest that it may be refused.	Score 4 points and then deduct 1 point for each exception which is not subject to the harm test	4	3	Article 6(2): Information which, if published, can cause harm to state interests, cause bad effect to national defense, national security, international relationship, social order and safety, social ethics, social health; likely to cause serious damage to lives, life and property of individuals; information classified as work secrecy, information about internal meetings of state agencies, documents created by state agencies for internal works. Article 7(1): Information related to business confidentiality shall only be accessible upon consent of the business owner; (2) Information related to privacy, individuals' secret shall only be accessible upon consent of such person, information with regard to family's secret shall only be accessible upon consent of each member of the family.	Business confidentiality not subject to harm.
31	There is a mandatory public interest override so that information must be disclosed where this is in the overall public interest, even if this may harm a protected interest. There are 'hard' overrides (which apply absolutely), for example for information about human rights, corruption or crimes against humanity.	Consider whether the override is subject to overarching limitations, whether it applies to only some exceptions, and whether it is mandatory.	4	2	Article 7(3): During the performance of their tasks and functions, the heads of state agencies shall determine the provision of information related to business confidentiality, life privacy, individuals' secret, families' secret if it deems necessary to the interests of public, social health according to the provision of regarding laws without the consent as provided for in Item 1 and Item 2 of this Article; Article 34(1): Agencies providing information as prescribed in Article 9 of this Law shall have responsibilities as follows: (g) Timely reviewing and considering benefits of information provision to decide whether making information public or providing information upon request in order to protect public interests and community health;	This is something of a public interest override but it is unclear how it functions or whether it could override an exception.
32	Information must be released as soon as an exception ceases to apply (for example, after a contract tender process decision has been taken). The law contains a clause stating that exceptions to protect public interests do not apply to information which is over 20 years old.	Score 1 point for each	2	0	Article 6(1): When classified information is declassified, citizens shall have the right to access them under the provisions of this Law.	This does not meet the standards here because it does not apply whenever an exception cases to apply, only when classification does. No overall time limits.
33	Clear and appropriate procedures are in place for consulting with third parties who provided information	Score: 1 point for consultation, 1 further point if	2	1	Article 7(1): Information related to business confidentiality shall only be accessible upon consent of the business owner; (2) Information	Implies consultation with third parties in some cases, but

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	which is the subject of a request on a confidential basis. Public authorities shall take into account any objections by third parties when considering requests for information, but third parties do not have veto power over the release of information.	original time frames must be respected and the law allows for expedited appeals.			related to privacy, individuals' secret shall only be accessible upon consent of such person, information with regard to family's secret shall only be accessible upon consent of each member of the family. Article 24(3): A written consent of the concerned individuals or organizations shall be attached if the requested information falls under the provision of Items 1 and 2 of Article 7 of this Law.	seems to be the requester who must do this.
34	There is a severability clause so that where only part of a record is covered by an exception the remainder must be disclosed.	Score 1 point if yes but sometimes can be refused (eg: if deletions render meaningless the document) and 2 points if partial access must always be granted	2	0	N/A	Not mentioned.
35	When refusing to provide access to information, public authorities must a) state the exact legal grounds and reason(s) for the refusal and b) inform the applicant of the relevant appeals procedures.	Score Y/N: 1 point for a and 1 point for b	2	1	Article 28(2): The requested agencies shall be responsible for sending written notices on refusal of information provision to the information requester, with reasons for refusal being specified. Reg. 5(1): Forms of written requests for use in the provision of information at request as provided in the Appendix to this Decree include: ... dd/ Form of notice on rejection of information request: Form No. 05.	Need to provide reasons but not information about appeals.
36	The law offers an internal appeal which is simple, free of charge and completed within clear timelines (20 working days or less).	Score 2 points if the internal appeal fulfills these criteria, 1 point if an appeal is offered that does not fulfill this criteria, 0 for no internal appeals.	2	2	Article 8(1): 1. Citizens shall have the rights as follows: (b) b) Filing complaints, lawsuits, and denunciations against violations of provisions of the law on access to information. Article 14(1): Information requester are entitled to file complaints and lawsuits against agencies, individuals responsible for information provision mentioned in Article 9 of this Law; (2) Citizens are entitled to make denunciations on violations of law on access to information; (3) Settlement of complaints, lawsuits, and denunciations shall comply with provisions of the laws on complaints, lawsuits, and denunciations and administration procedures. Article 34(1): Agencies providing information as prescribed in Article 9 of this Law shall have responsibilities as follows: (k) Handling complaints, denunciations, and violations of right to access to information in compliance with the laws.	There does seem to be an internal complaints procedure but the rules for handing it are not clear. However, the Laws on Complaints and Denunciations, however, do provide for procedures for internal complaints.
37	Requesters have the right to lodge an (external) appeal with an independent administrative	1 for partial, 2 for yes	2	0	Article 8(1): 1. Citizens shall have the rights as follows: (b) b) Filing complaints, lawsuits, and denunciations against violations of provisions of the	This refers to the internal complaints procedures noted in

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					law on access to information. Article 14(1): Information requester are entitled to file complaints and lawsuits against agencies, individuals responsible for information provision mentioned in Article 9 of this Law; (2) Citizens are entitled to make denunciations on violations of law on access to information; (3) Settlement of complaints, lawsuits, and denunciations shall comply with provisions of the laws on complaints, lawsuits, and denunciations and administration procedures.	
	oversight body (e.g. an information commission or ombudsman).					Indicator 36 and the right to appeal to the courts, but there is no independent administrative level of appeal.
38	The member(s) of the oversight body are appointed in a manner that is protected against political interference and have security of tenure so that they are protected against arbitrary dismissal (procedurally/substantively) once appointed.	Score: 1 point for appointment procedure, 1 point for security of tenure	2	0	N/A	Not mentioned
39	The oversight body reports to and has its budget approved by the parliament, or other effective mechanisms are in place to protect its financial independence.	Score 1 point for reports to parliament, 1 point for budget approved by parliament	2	0	N/A	Not mentioned
40	There are prohibitions on individuals with strong political connections from being appointed to this body and requirements of professional expertise.	Score 1 point for not politically connected, 1 point for professional expertise	2	0	N/A	Not mentioned
41	The independent oversight body has the necessary mandate and power to perform its functions, including to review classified documents and inspect the premises of public bodies.	Score 1 point for reviewing classified documents, 1 point for inspection powers	2	0	N/A	Not mentioned
42	The decisions of the independent oversight body are binding.	Score N=0, Y=2 points	2	0	N/A	Not mentioned
43	In deciding an appeal, the independent oversight body has the power to order appropriate remedies for the requester, including the declassification of information.	1 for partial, 2 for fully	2	0	N/A	Not mentioned
44	Requesters have the right to lodge a judicial appeal.	1 for partially, 2 for fully.	2	2	Article 8(1): 1. Citizens shall have the rights as follows: (b) b) Filing complaints, lawsuits, and denunciations against violations of provisions of the law on access to information. Article 14(1):	

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					Information requester are entitled to file complaints and lawsuits against agencies, individuals responsible for information provision mentioned in Article 9 of this Law; (2) Citizens are entitled to make denunciations on violations of law on access to information; (3) Settlement of complaints, lawsuits, and denunciations shall comply with provisions of the laws on complaints, lawsuits, and denunciations and administration procedures.	
45	Appeals to the oversight body (where applicable, or to the judiciary if no such body exists) are free of charge and do not require legal assistance.	1 for free, 1 for no lawyer required.	2	2	Article 55.(13) and Article 56 of the Law on Administrative Procedure.	According to these articles, you do not need a lawyer for legal cases
46	The grounds for an external appeal are broad (including not only refusals to provide information but also refusals to provide information in the form requested, administrative silence and other breach of timelines, charging excessive fees, etc.).	Score 1 point for appealing refusals, additional points for appealing other violations.	4	3	Article 14(2) Citizens are entitled to make denunciations on violations of law on access to information;	Seems to be quite broad but very general so not entirely clear.
47	Clear procedures, including timelines, are in place for dealing with external appeals.	Score 1 point for clear procedures, 1 point for timelines.	2	0	N/A	There is no proper external appeal to a body outside of government.
48	In the appeal process, the government bears the burden of demonstrating that it did not operate in breach of the rules.	Score Y/N and award 2 points for yes.	2	0	N/A	Not mentioned
49	The external appellate body has the power to impose appropriate structural measures on the public authority (e.g. to conduct more training or to engage in better records management)	1 for partial, 2 for fully.	2	0	N/A	Not mentioned
50	Sanctions may be imposed on those who wilfully act to undermine the right to information, including through the unauthorised destruction of information.	Score 1 point for sanctions for underming right, 1 point for destruction of documents	2	2	Article 11. Prohibited Acts: (1) Intentionally providing incorrect and insufficient information; delaying information provision; destroying information; falsifying information; (4) Obstructing, threatening, victimizing information requester or information provider. Article 15(1): Persons violating the provisions of the law on access to information shall be disciplined, handled for administrative violations or examined for penal liabilities depending on the nature and seriousness of their	

I	Description	Scoring instructions	Max score	Points	Article	Comments
					violations; (2) When persons responsible for information provision commit one of the acts specified in Article 11 of this Law, which causes damage, the state agencies providing information shall pay for the damages and the individuals that commit acts of violation shall have to repay according to regulations of the law on state compensation liability. Article 34(2): The head of the agency providing information shall be responsible for ensuring the performance of information provision in the agency, timely handling the person in charge of providing information under his/her jurisdiction management who obstructs the exercise of the right to access to information of citizen; (3) The person assigned to provide information shall be responsible for providing citizens with sufficient information in a timely manner and shall not harass, obstruct or cause difficulties while performing their tasks.	
51	There is a system for redressing the problem of public authorities which systematically fail to disclose information or underperform (either through imposing sanctions on them or requiring remedial actions of them).	Score 1 point for either remedial action or sanctions, 2 points for both	2	2	Law on State Compensation Liability, Penal Code: Article 167. 1. Any person who uses of violence, threatens to use violence or otherwise obstructs a citizen from exercising his/her freedom of speech, freedom of the press, right of access to information or right to protest despite the fact that he/she has incurred disciplinary or administrative penalty for the same offence shall face a penalty of up to 02 year's community sentence or 03 - 24 months' imprisonment. 2. This offence committed in any of the following circumstances carries a penalty of 01 - 05 years' imprisonment: a) The offence is committed by an organized group; b) The offence involves abuse of the offender's her position or power; c) The offence has a negative impact on social safety, order and security. 3. The offender might be forbidden from holding certain positions for 01 - 05 years.	
52	The independent oversight body and its staff are granted legal immunity for acts undertaken in good faith in the exercise or performance of any power, duty or function under the RTI Law. Others are granted similar immunity for the good faith release of information pursuant to the RTI Law.	Score 1 for oversight body, 1 for immunity for others	2	0	N/A	Not mentioned

I	Description	Scoring instructions	Max score	Points	Article	Comments
53	There are legal protections against imposing sanctions on those who, in good faith, release information which discloses wrongdoing (i.e. whistleblowers).	Score 2 for strong protections, 1 for moderate protections	2	2	Articles 47-58 of the Law on Denunciations	
54	Public authorities are required to appoint officials (information officers) or units with dedicated responsibilities for ensuring that they comply with their information disclosure obligations.	Score Y/N, Y=2 points	2	2	Article 33. Measures to ensure the right to access to information of citizens: (4) Assigning units, persons to act as a focal point to provide information. Reg. 8: Responsibilities of units in charge of information Provision: (1)To assign persons in charge of information provision to provide information in accordance with the Law on Access to Information.	
55	A central body, such as an information commission(er) or government department, is given overall responsibility for promoting the right to information.	Score Y/N, Y=2 points	2	2	Article 13(1) The National Assembly shall conduct supreme supervision to ensure the implementation of the right to access to information of citizens; (2) People's Councils shall conduct supervision to ensure the implementation of the right to access to information of citizens at localities; reviewing annual reports of People's Committees at the same level on the implementation of the right to access to information of citizens at the localities; (3) Vietnam Fatherland Front and its member organizations are responsible for social supervision of the implementation of citizen's right to access to information. Article 35(1): The Government shall unify the state management on ensuring the right to access to information of citizens and implement tasks and authorities as follows: (d) Giving guidance to agencies and citizens in implementation of the right to access to information. Reg. 12(3): The Ministry of Justice shall guide, monitor, urge and inspect ministries, ministerial-level agencies, government-attached agencies and People's Committees at all levels in providing information and the information provision by information-providing agencies, performing the following specific tasks: a/ Compiling and issuing documents to guide the guarantee for the exercise of citizens' right of access to information; b/ Monitoring, urging, guiding and inspecting the information provision by state administrative agencies from the central or local levels; c/ Summing up and reporting the situation of information provision to the Government and Prime Minister.	Seems clear that the Min. of Justice will be the central point of focus on this.
56	Public awareness-raising efforts (e.g. producing a guide for the	Score Y/N, Y=2 points	2	2	Article 34(1) Agencies providing information as prescribed in Article 9 of this Law shall have	

I	Description	Scoring instructions	Max score	Points	Article	Comments
	public or introducing RTI awareness into schools) are required to be undertaken by law.				responsibilities as follows: (a) Publicizing, providing information in timely, full and sufficient manners. Article 35(1): The Government shall unify the state management on ensuring the right to access to information of citizens and implement tasks and authorities as follows: (c) Implementing activities to popularize, educate and raise awareness on the rights and responsibilities of agencies, state officials, and citizens in implementing the right to access to information; Reg. 8: Responsibilities of units in charge of information Provision: … (3) To provide explanations, guidance and notices to citizens so that they can exercise their right of access to information according to the prescribed order and procedures … Reg 11(1): Information-providing agencies shall develop special sections on access to information of their portals or websites to publish … instructions and documents to assist information requesters ….	
57	A system is in place whereby minimum standards regarding the management of records are set and applied.	Score Y/N, Y=2 points	2	1	Article 33. Measures to ensure the right to access to information of citizens: (6) Consolidating, strengthening clerical work, archiving, statistics; equipping technical facilities, information technology and other necessary conditions for the information requester to read, see, listen, take notes, copy, capture information at head offices of state agencies and via internet. Article 34(1) Agencies providing information as prescribed in Article 9 of this Law shall have responsibilities as follows:(c) Maintaining, archiving, updating a database of information that state agencies are responsible for provision, ensuring that information is kept in a systematic, sufficient, comprehensive manner and is easy for searching; (d) Ensuring accuracy and sufficiency of information. The transfer of information among database systems shall comply with the provisions of the laws; (Ä‘) Issuing technical guidance on measures and processes of protection of information and information management systems; (e) Reviewing, classifying, checking and ensuring secrecy of information before provision;	Basic obligation but no real system to do it.
58	Public authorities are required to create and update lists or registers of the documents in their possession, and to make these public.	Score Y/N, Y=2 points	2	1	Article 34(1) Agencies providing information as prescribed in Article 9 of this Law shall have responsibilities as follows: (b) Taking initiative in developing, updating, publicizing lists of information subject to publication, and uploading such lists on	These lists are limited to information that is subject to proactive disclosure.

I	Description	Scoring instructions	Max score	Points	Article	Comments
					portals, websites	
59	Training programs for officials are required to be put in place.	Score Y/N, Y=2 points	2	1	Article 33. Measures to ensure the right to access to information of citizens: (1) Organizing training courses to improve capacity, qualification, professional skills of persons assigned to be responsible for information provision on the right to access to information of citizens. Reg 3(5): Knowledge about and experience in the provision of information to persons with disabilities should be integrated into training programs to raise professional qualifications for sections, cadres and civil servants in prime charge of information provision of information-providing agencies.	Not clear who is to do this and not quite an obligation.
60	Public authorities are required to report annually on the actions they have taken to implement their disclosure obligations. This includes statistics on requests received and how they were dealt with.	Score Y/N, Y=2 points	2	1	Reg. 13(3): Ministries, ministerial-level agencies, government-attached agencies and provincial-level People's Committees shall sum up the situation of information provision under their charge and report it to the Ministry of Justice once every 3 years or on an extraordinary basis. (4): A report on the exercise of the right of access to information must clearly state: a/ The situation of information disclosure and information provision at request by the information-providing agency; b/ Number of information requests received; number of information requests settled; number of information requests rejected; and number of complaints and lawsuits settled (if any); c/ Difficulties and problems in the information provision by the information-providing agency; d/ Recommended necessary measures to guarantee the exercise of citizens' right of access to information.	Only every three years and not clear that public.
61	A central body, such as an information commission(er) or government department, has an obligation to present a consolidated report to the legislature on implementation of the law.	Score Y/N, Y=2 points	2	1	Reg. 13(2) The Ministry of Justice shall guide, monitor, urge and inspect ministries, ministerial-level agencies, government-attached agencies and People's Committees at all levels in providing information and the information provision by information-providing agencies, performing the following specific tasks: ... c/ Summing up and reporting the situation of information provision to the Government and Prime Minister.	This is a very weak form of central reporting but one point given.